

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

SPIROS G. ATHANAS

JUDGMENT IN A CRIMINAL CASE

Case Number: CR-13-063-3-F

USM Number: 95063-038

Robert M. Goldstein

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to counts 1, 2 and 3 of the Superseding Information.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1955(a); 18:2	Prohibition of illegal gambling business; aiding and abetting	2003-2013	1(ss)
18:1955(a); 18:2	Prohibition of illegal gambling business; aiding and abetting	1999-2013	2(ss)
18:1084(a); 18:2	Transmission of wagering information; aiding and abetting	2005-2013	3(ss)
	Forfeiture		

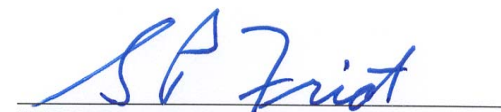
The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The 3/20/13 Indictment and the 8/21/13 Superseding Indictment are dismissed on the motion of the United States.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 29, 2016

Date of Imposition of Sentence



STEPHEN P. FRIOT

UNITED STATES DISTRICT JUDGE

January 29, 2016

Date Signed

Defendant: ATHANAS, Spiros G.

Judgment-Page 2 of 5

Case Number: CR-13-063-3-F

PROBATION

The defendant is hereby sentenced to probation for a term of 12 months, consisting of 12 months as to Count 1(ss), 12 months as to Count 2(ss) and 12 months as to Count 3(ss), all such terms to run concurrently.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse, but the court specifically retains the probation officer's authority under 18 U.S.C. § 3603 to administer drug testing for cause as a suitable method for monitoring the defendant's compliance with the standard conditions of supervision prohibiting the use of controlled substances. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached pages.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation office in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: ATHANAS, Spiros G.
Case Number: CR-13-063-3-FJudgment-Page 3 of 5**ADDITIONAL PROBATION TERMS**

- ☒ The court is not imposing community service.
- ☒ The court declines to impose a search condition at this time. This determination is without prejudice to modification of defendant's conditions of supervision, by the court having jurisdiction of defendant's supervision, to add a search condition upon application to that court.
- ☒ The defendant shall not enter, frequent, or be involved with any illegal gambling establishment or activity during the period of supervision.
- ☒ The defendant shall not make application for any loan or enter into any credit arrangement without first consulting with the probation officer.
- ☒ The defendant shall disclose all assets and liabilities to the probation officer. The defendant shall not transfer, sell, give away, or otherwise convey any asset without first consulting with the probation officer.
- ☒ If the defendant maintains interest in any business or enterprise, the defendant shall, upon request, surrender and/or make available for review, any and all documents and records of said business or enterprise to the probation officer.
- ☒ The defendant shall, upon request of the probation officer, authorize release of any and all financial records, to include income records, income tax records, and social security records, by execution of a release of financial information form, or by any other appropriate means.
- ☒ The obligation to disclose, surrender, or make available documents and records, or to authorize the release of documents and records, as set forth in the preceding three paragraphs, shall apply only with respect to documents and records created or dated on or after January 29, 2016.
- ☒ The defendant shall notify the court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine and/or restitution.

Defendant: ATHANAS, Spiros G.
Case Number: CR-13-063-3-FJudgment-Page 4 of 5**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$300.00	\$0.00	\$0.00

☐ The determination of restitution is deferred until _____. *An Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution payments to the U.S. Court Clerk, 200 N.W. 4th Street, Oklahoma City, OK 73102, to be distributed to the payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. §3664(i), all nonfederal victims must be paid before the United States is paid.

☐ Individual names omitted. See list in Court Clerk's Office.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	\$ _____
---------------	----------	----------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ The interest requirement is waived for the ☐ fine ☐ restitution.

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

Defendant: ATHANAS, Spiros G.
Case Number: CR-13-063-3-FJudgment-Page 5 of 5**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** Unless the court has expressly ordered otherwise, lump sum payment of all criminal monetary penalties is due immediately.
- B** Balance, if any, due in accordance with the policies listed below **or**
☐ Not later than _____
- C** Unless the court has expressly ordered otherwise, said special assessment of \$300.00 is due immediately.
- D** Unless the court has expressly ordered otherwise, said restitution and/or fine in the amount of \$_____ is due and payable immediately.
- E** If the fine is not paid immediately, the defendant shall make payments of 10% of the defendant's quarterly earnings during the term of imprisonment.
- F** If the fine is not paid immediately, the defendant shall make payments of the greater of \$_____ per month or 10% of defendant's gross monthly income, as directed by the probation officer. Payments are to commence not later than 30 days after release from confinement.
- G** Notwithstanding establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon non-exempt property of the defendant discovered before or after the date of this judgment, including the Taxpayer Offset Program.
- H** Unless the court has expressly ordered otherwise, the defendant must pay interest on restitution and/or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).
- I** Release from supervision does not absolve defendant from payment of this debt.
- J** **Special instructions regarding the payment of criminal monetary penalties:**
- K** All criminal monetary penalties shall be paid through the United States Court Clerk for the Western District of Oklahoma, 200 N.W. 4th Street, Oklahoma City, Oklahoma 73102.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
 Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

All right, title, and interest in the assets listed in the Preliminary Order of Forfeiture dated January 29, 2016 (doc. no. 2022).

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.